

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 14285US02

PATENT

In the Application of:)	
)	
Jeyhan Karaoguz, et al.)	<u>Electronically Filed On January 5, 2009</u>
Serial No.: 10/675,057)	
)	
Filed: September 30, 2003)	
)	
For: METHOD AND SYSTEM FOR)	
MIXING BROADCAST AND STORED)	
MEDIA IN A MEDIA EXCHANGE)	
NETWORK)	
)	
Examiner: Ryan, Patrick A.)	
)	
Group Art Unit: 2623)	
)	
Confirmation No.: 5837)	

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 1-40 of the present application. The Applicants respectfully request a one month extension of time in which to respond. Thus, the period for response ends on January 13, 2009 (3 months from the filing date of the Notice of Appeal).

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

The real party in interest is Broadcom Corporation, having a place of business at 16215 Alton Parkway, Irvine, California 92619.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

Not applicable.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes claims 1-40. These claims stand rejected.¹ The Applicants identify claims 1-40 as the claims that are being appealed. The text of the claims involved in this Appeal, namely, claims 1-40, is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

Subsequent to the final rejection of claims 1-40 mailed June 11, 2008, the Applicants filed an Amendment Under 37 C.F.R. § 1.116.² The Response merely amended claims 34, 37 and 40 to correct minor drafting errors.³

¹ See June 11, 2008 Office Action and September 10, 2008 Advisory Action.

² See August 25, 2008 Under 37 C.F.R. § 1.116.

³ See *id.*

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

Independent claim 1 recites the following:

A method for customizing a channel,⁴ the method comprising:

creating a channel guide⁵ for a new channel that supports communication of media,⁶ said new channel comprising a media channel;⁷

populating, at a first location,⁸ said channel guide for said new media channel with information identifying mixed media⁹ content,¹⁰ wherein said populated channel guide may be pushed¹¹ to a second¹² location; and

one or both of:

displaying said information identifying said mixed media content¹³ within said channel guide;¹⁴ and/or

communicating said mixed media content¹⁵ via said new media channel.¹⁶

⁴ See present application, *e.g.*, at page 2, lines 2-4.

⁵ See *id.*, *e.g.*, at page 12, line 21 to page 13, line 3 and Figure 1B, ref. 100.

⁶ See *id.*, *e.g.*, at page 4, lines 3-5, page 14, lines 13-17, Figure 2A, ref. 201.

⁷ See *id.*, *e.g.*, at page 4, lines 6-7.

⁸ See *id.*, *e.g.*, at page 9, lines 3-5 and Figure 1A, ref. 3.

⁹ See *id.*, *e.g.*, at page 4, lines 7-9, page 13, lines 4-29, page 17, lines 5-7.

¹⁰ See *id.*, *e.g.*, at page 4, lines 5-6, page 14, lines 16-21, page 15, lines 9-21, Figure 2A, refs. 202, 203.

¹¹ See *id.*, *e.g.*, at page 10, lines 26-27.

¹² See *id.*, *e.g.*, at page 9, lines 7-8 and Figure 1A, ref. 8.

¹³ See *id.*, *e.g.*, at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

¹⁴ See *id.*, *e.g.*, at page 4, lines 9-11, page 14, lines 21-24, Figure 2A, ref. 204.

¹⁵ See *id.*, *e.g.*, at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

¹⁶ See *id.*, *e.g.*, at page 4, lines 6-7, page 14, lines 21-24, Figure 2A, ref. 204.

Dependent claim 2 recites the following:

The method according to claim 1, wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.¹⁷

Dependent claim 34 recites the following:

The method according to claim 1, comprising pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.¹⁸

Independent 11 recites the following:

A machine-readable storage having stored thereon, a computer program having at least one code section for customizing a channel,¹⁹ the at least one code section being executable by a machine for causing the machine to perform steps²⁰ comprising:

creating a channel guide²¹ for a new channel that supports communication of media,²² said new channel comprising a media channel;²³

populating, at a first location,²⁴ said channel guide for said new media channel with information identifying mixed media²⁵ content,²⁶ wherein said populated channel guide may be pushed²⁷ to a second²⁸ location; and

¹⁷ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

¹⁸ See *id.*, e.g., at page 9, lines 1-25, page 11, lines 12-20, page 18, lines 4-25, page 20, lines 12-18.

¹⁹ See *id.*, e.g., at page 4, lines 24-26.

²⁰ See *id.*, e.g., at page 4, lines 26-28.

²¹ See *id.*, e.g., at page 12, line 21 to page 13, line 3 and Figure 1B, ref. 100.

²² See *id.*, e.g., at page 4, lines 3-5, page 14, lines 13-17, Figure 2A, ref. 201.

²³ See *id.*, e.g., at page 4, lines 6-7.

²⁴ See *id.*, e.g., at page 9, lines 3-5 and Figure 1A, ref. 3.

²⁵ See *id.*, e.g., at page 4, lines 7-9, page 13, lines 4-29, page 17, lines 5-7.

²⁶ See *id.*, e.g., at page 4, lines 5-6, page 14, lines 16-21, page 15, lines 9-21, Figure 2A, refs. 202, 203.

one or both of:

displaying said information identifying said mixed media content²⁹ within said channel guide;³⁰ and/or

communicating said mixed media content³¹ via said new media channel.³²

Dependent claim 12 recites the following:

The machine-readable storage according to claim 11, wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.³³

Dependent claim 37 recites the following:

The machine-readable storage according to claim 11, comprising pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.³⁴

Independent claim 21 recites the following:

A system for customizing a channel,³⁵ the system comprising:

at least one processor³⁶ that creates a channel guide³⁷ for a new channel that supports communication of media, said new channel comprising a media channel;

²⁷ See *id.*, e.g., at page 10, lines 26-27.

²⁸ See *id.*, e.g., at page 9, lines 7-8 and Figure 1A, ref. 8.

²⁹ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

³⁰ See *id.*, e.g., at page 4, lines 9-11, page 14, lines 21-24, Figure 2A, ref. 204.

³¹ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

³² See *id.*, e.g., at page 4, lines 6-7, page 14, lines 21-24, Figure 2A, ref. 204.

³³ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

³⁴ See *id.*, e.g., at page 9, lines 1-25, page 11, lines 12-20, page 18, lines 4-25, page 20, lines 12-18.

³⁵ See *id.*, e.g., at page 2, lines 2-4.

said at least one processor populates, at a first location,³⁸ said channel guide for said new media channel with information identifying mixed media³⁹ content,⁴⁰ wherein said populated channel guide may be pushed⁴¹ to a second⁴² location; and

one or both of:

said at least one processor causing display of said information identifying said mixed media content⁴³ within said channel guide;⁴⁴ and/or

said at least one processor communicating said mixed media content⁴⁵ via said new media channel.⁴⁶

Dependent claim 22 recites the following:

The system according to claim 21, wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.⁴⁷

Dependent claim 40 recites the following:

The system according to claim 21, wherein said at least one processor pushes at least a portion of said populated channel to said second location in exchange for at least a portion of a

³⁶ See *id.*, e.g., at page 5, lines 1-2 and 6-12, page 9, line 1 to page 11, line 11 and Figure 1A, refs. 1, 2 and 20.

³⁷ See *id.*, e.g., at page 12, line 21 to page 13, line 3 and Figure 1B, ref. 100.

³⁸ See *id.*, e.g., at page 9, lines 3-5 and Figure 1A, ref. 3.

³⁹ See *id.*, e.g., at page 5, lines 4-6, page 13, lines 4-29.

⁴⁰ See *id.*, e.g., at page 5, lines 3-4, page 15, lines 9-21.

⁴¹ See *id.*, e.g., at page 10, lines 26-27.

⁴² See *id.*, e.g., at page 9, lines 7-8 and Figure 1A, ref. 8.

⁴³ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

⁴⁴ See *id.*, e.g., at page 5, lines 9-11.

⁴⁵ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and 127.

⁴⁶ See *id.*, e.g., at page 5, lines 5-6

⁴⁷ See *id.*, e.g., at page 15, lines 22-28, page 17, lines 5-7 and Figure 1C, refs. 124, 125, 126 and

second populated channel associated with a second media channel created at said second location.⁴⁸

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))**

- Claims 34, 37 and 40 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.
- Claims 1-33, 35, 36, 38 and 39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 2002/0054752 (“Wood”) in view of U.S. 7,103,905 (“Novak”).
- Claims 34, 37 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Wood in view of Novak and U.S. 6,774,926 (“Ellis”).

**ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))**

I. Claims 34, 37 And 40 Fully Comply With The Written Description Requirement

The Applicants first turn to the rejection of claims 34, 37 and 40 as failing to comply with the written description requirement. Claim 34 recites “pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.” Claims 37 and 40 recite similar limitations.

The Office Action seemingly balks at these claims due to recitation of the phrase “in exchange for.” See June 11, 2008 Office Action at page 3. The Advisory Action notes that “this amendment has not clarified the scope of the claims or provided evidence of support in the Specification regarding the limitation ‘in exchange for.’” See September 10, 2008 Advisory

127.

⁴⁸ See *id.*, e.g., at page 9, lines 1-25, page 11, lines 12-20, page 18, lines 4-25, page 20, lines 12-

Action.

The Applicants respectfully submit, however, that these claims are supported by the specification. As noted above, the present application provides support at, for example, page 9, lines 1-25, page 11, lines 12-20, page 18, lines 4-25, page 20, lines 12-18. Moreover, the specification of the present application is replete with the term “exchange.” Indeed, the title of the application is “Method and System for Mixing Broadcast and Stored Media in a Media **Exchange** Network.” Thus, for at least these reasons, the Applicants respectfully request reconsideration of these claim rejections.

II. The Proposed Combination Of Wood And Novak Does Not Render Claims 1-33, 35, 36, 38 And 39 Unpatentable

As noted in the Manual of Patent Examining Procedure (Revision 7, July 2008), “[t]o establish *prima facie* obviousness of a claimed invention, **all the claim limitations must be taught or suggested by the prior art.** *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” See MPEP at 2143.03 (emphasis added). Further, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA).” See *id.*

If a *prima facie* case of obviousness is not established, the Applicants are under no obligation to submit evidence of nonobviousness.

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

A. The Proposed Combination Does Not Render Claims 1, 11 And 21 Unpatentable

18.

Claim 1 recites, in part, “populating, at a first location, said channel guide for said new media channel with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location.” Independent claims 11 and 21 recite similar limitations. The Applicants respectfully submit that the proposed combination of Wood and Novak does not describe, teach or suggest these limitations.

The Office Action acknowledges that Wood “does not explicitly teach the use of media from another source other than that of broadcast media or the ability to push said populated channel guide to a 2nd location.” *See* June 11, 2008 Office Action at page 4. To overcome this deficiency, the Office Action cites Novak. *See id.*

Novak discloses a system in which an “individual can upload media objects to a server and specify a manner in which the media objects are to be played as a media program to an end user.” *See* Novak at Abstract. “The media program can be provided to the end user via a **synthetic channel**, which can be tuned to by the end user as if tuning to a conventional television broadcast channel.” *See id.* (emphasis added). “Information related to the **synthetic channel** such as media program listings, can be provided in an electronic program guide.” *See id.* (emphasis added).

Figures 6-9 of Novak show a **synthetic channel**, namely “Joe’s TV channel.” In each example shown and described, the synthetic channel, *i.e.*, “Joe’s TV channel” includes only personal media, but not broadcast media. For example, Figure 6 illustrates the synthetic channel “Joe’s TV Channel.” *See id.* at Figure 6. This synthetic channel shows the following channels: Baby’s First Step, Mom’s Birthday, Graduation, Family Reunion, Christmas ’99, Easter ’98, Thanksgiving ’97 and 1st Day of School 9/00. *See id.* Novak does not describe, teach or suggest

that the synthetic channels are “mixed” channels. As shown in Figure 6, the synthetic channels are **exclusively** “personal channels.” In particular, Novak discloses that “Joe’s TV Channel is a personal channel that can be provided to and selected by end users, and the end users can tune to the uploaded media program(s) accessible via this channel and view them similarly to regular television programming.” *See id.* at column 11, lines 60-64 (emphasis added). *See also* “Joe’s TV channel” in Figures 6-9 of Novak. Figure 8 of Novak clearly shows the synthetic channel “Joe’s TV Channel” has only personal programs, in contrast to the broadcast channels. Note, none of the broadcast programming is mixed into “Joe’s TV Channel,” or vice versa. *See id.* at Figure 8.

Thus, while Wood discloses “integrated channel guides allowing a user to control recording and storage of television signals into personal channel for later playback and viewing” (*see* Wood at Abstract) and Novak discloses “synthetic channels” that include personal media, but no broadcast media, neither Wood, nor Novak, alone or in combination with one another discloses a single channel that includes mixed programming, such as **both** broadcast **and** personal media. Whether or not Wood and/or Novak disclose personal media and broadcast media, **in isolation**, does not make up for the fact that neither reference, alone or in combination with one another, describes, teaches or suggests a single channel that includes mixed programming, such as **both** broadcast **and** personal media. At best, the proposed combination discloses a channel guide that includes a synthetic channel having only personal media programs **and** separate and distinct broadcast media channels. The proposed combination of references fails to describe, teach or suggest ““populating, at a first location, said channel guide for said **new media channel** with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location,” as recited in claim 1, for example.

To reiterate, “[t]o establish *prima facie* obviousness of a claimed invention, **all the claim limitations must be taught or suggested by the prior art**. In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” See MPEP at 2143.03 (emphasis added). As explained above, the proposed combination of Wood and Novak does not describe, teach or suggest **all** the claim limitations. Thus, for at least these reasons, the proposed combination does not render claims 1-33, 35, 36, 38 and 39 unpatentable.

B. The Proposed Combination Does Not Render Claims 2, 12 And 22 Unpatentable

Claim 2, for example, recites “wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.” As discussed above, neither Wood, nor Novak, alone or in combination with one another, describes, teaches or suggests a single channel that includes **both** broadcast **and** personal media content. Thus, for at least this additional reason, the proposed combination does not render claims 2, 12 or 22 unpatentable.

III. The Proposed Combination Of Wood, Novak And Ellis Does Not Render Claims 34, 37 And 40 Unpatentable

Claim 34, for example, recites “pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.” The Office Action acknowledges that this limitation “is not specifically met by the Wood et al. reference in view of the Novak reference.” See June 11, 2008 Office Action at page 10. In an attempt to overcome this deficiency, the Office Action cites Ellis as disclosing this limitation. See *id.*

Ellis discloses the following:

[A] video created by a contributor at user equipment 102 may be distributed to viewers at receiving user equipment 104 via communications network 106 and Internet service provider (ISP) 108. Videos may be distributed this way **in real time**.

Ellis at column 7, lines 33-37 (emphasis added). This portion of Ellis discloses that the video may be “distributed” as it is being created (*i.e.*, in “real time”). The video is then transmitted from the storage facility to a broadcast center. Then the video may then be broadcast through a personal (as opposed to private) channel at a scheduled time determined by the video creator and/or the broadcaster, or it may be “pulled” by the viewer on demand. However, neither Ellis, nor the other cited references (alone or in combination with one another), describes, teaches or suggests pushing a portion of a channel to a second location in exchange for a portion of another channel created at the second location. That is, the proposed combination of references fails to describe, teach or suggest “pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location,” as recited in claim 34, for example. Thus, for at least this additional reason, the proposed combination of references does not render claims 34, 37 and 40 unpatentable.

IV. Conclusion

For at least the reasons discussed above, the Applicants respectfully submit that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 1-40.

PAYMENT OF FEES

The Commissioner is authorized to charge any necessary fees, including the \$540 fee for this Appeal Brief and the \$130 fee for the one month extension of time, or credit overpayment to Deposit Account 13-0017.

Dated: January 5, 2009

Respectfully submitted,
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CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

1. A method for customizing a channel, the method comprising:

creating a channel guide for a new channel that supports communication of media, said new channel comprising a media channel;

populating, at a first location, said channel guide for said new media channel with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location; and

one or both of:

displaying said information identifying said mixed media content within said channel guide; and/or

communicating said mixed media content via said new media channel.
2. The method according to claim 1, wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.
3. The method according to claim 2, comprising receiving said at least one broadcast media content from at least one third (3rd) party broadcaster.
4. The method according to claim 3, comprising storing said received at least one broadcast media content.

5. The method according to claim 4, comprising linking said stored at least one broadcast media content to a portion of said information identifying said mixed media content which corresponds to said at least one broadcast media content.

6. The method according to claim 2, comprising storing at least a portion of said at least one personal media content.

7. The method according to claim 2, comprising identifying said at least said one personal media content.

8. The method according to claim 7, comprising associating said identified at least one personal media content with a portion of said information identifying said mixed media content which corresponds to said at least one personal media content.

9. The method according to claim 2, comprising scheduling within said created channel guide, at least one of said at least one personal media content and said at least one broadcast media content for presentation.

10. The method according to claim 9, comprising assigning one or both of a date and/or a time within said created channel guide for said presentation of said at least one personal media content and said at least one broadcast media content.

11. A machine-readable storage having stored thereon, a computer program having at least one code section for customizing a channel, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

creating a channel guide for a new channel that supports communication of media, said new channel comprising a media channel;

populating, at a first location, said channel guide for said new media channel with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location; and

one or both of:

displaying said information identifying said mixed media content within said channel guide; and/or

communicating said mixed media content via said new media channel.

12. The machine-readable storage according to claim 11, wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.

13. The machine-readable storage according to claim 12, comprising code for receiving said at least one broadcast media content from at least one third (3rd) party broadcaster.

14. The machine-readable storage according to claim 13, comprising code for storing said received at least one broadcast media content.

15. The machine-readable storage according to claim 14, comprising code for linking said stored at least one broadcast media content to a portion of said information identifying said mixed media content which corresponds to said at least one broadcast media content.

16. The machine-readable storage according to claim 12, comprising code for storing at least a portion of said at least one personal media content.

17. The machine-readable storage according to claim 12, comprising code for identifying said at least one personal media content.

18. The machine-readable storage according to claim 17, comprising code for associating said identified at least one personal media content with a portion of said information identifying said mixed media content which corresponds to said at least one personal media content.

19. The machine-readable storage according to claim 12, comprising code for scheduling within said created channel guide, one or both of said at least one personal media content and/or said at least one broadcast media content for presentation.

20. The machine-readable storage according to claim 19, comprising code for assigning one or both of a date and/or a time within said created channel guide for said presentation of said at least one personal media content and said at least one broadcast media content.

21. A system for customizing a channel, the system comprising:

at least one processor that creates a channel guide for a new channel that supports communication of media, said new channel comprising a media channel;

said at least one processor populates, at a first location, said channel guide for said new media channel with information identifying mixed media content, wherein said populated channel guide may be pushed to a second location; and

one or both of:

said at least one processor causing display of said information identifying said mixed media content within said channel guide; and/or

said at least one processor communicating said mixed media content via said new media channel.

22. The system according to claim 21, wherein said mixed media content comprises at least one personal media content and at least one broadcast media content.

23. The system according to claim 21, wherein said at least one processor receives said at least one broadcast media content from at least one third (3rd) party broadcaster.

24. The system according to claim 23, wherein said at least one processor stores said received at least one broadcast media content.

25. The system according to claim 24, wherein said at least one processor links said stored at least one broadcast media content to a portion of said information identifying said mixed media content which corresponds to said at least one broadcast media content.

26. The system according to claim 22, wherein said at least one processor stores at least a portion of said at least one personal media content.

27. The system according to claim 22, wherein said at least one processor identifies said at least said one personal media content.

28. The system according to claim 27, wherein said at least one processor associates said identified at least one personal media content with a portion of said information identifying said mixed media content which corresponds to said at least one personal media content.

29. The system according to claim 22, wherein said at least one processor schedules within said created channel guide, one or both of said at least one personal media content and/or said at least one broadcast media content for presentation.

30. The system according to claim 29, wherein said at least one processor assigns at least a date and a time within said created channel guide for said presentation of said at least one personal media content and said at least one broadcast media content.

31. The system according to claim 21, wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, media exchange software platform processor and/or a media peripheral processor.

32. The method according to claim 1, wherein said populating is based on one or both of a user profile and/or a request for at least a portion of said mixed media content.

33. The method according to claim 1, comprising pushing at least a portion of said populated channel to said second location.

34. The method according to claim 1, comprising pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.

35. The machine-readable storage according to claim 11, wherein said populating is based on one or both of a user profile and/or a request for at least a portion of said mixed media content.

36. The machine-readable storage according to claim 11, comprising pushing at least a portion of said populated channel to said second location.

37. The machine-readable storage according to claim 11, comprising pushing at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.

38. The system according to claim 21, wherein said at least one processor populates said channel guide based on one or both of a user profile and/or a request for at least a portion of said mixed media content.

39. The system according to claim 21, wherein said at least one processor pushes at least a portion of said populated channel to said second location.

40. The system according to claim 21, wherein said at least one processor pushes at least a portion of said populated channel to said second location in exchange for at least a portion of a second populated channel associated with a second media channel created at said second location.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

- (1) U.S. 2002/0054752 (“Wood”), entered into record by Examiner in November 15, 2007, 2007 Office Action.
- (2) U.S. 7,103,905 (“Novak”), entered into record by Examiner in November 15, 2007 Office Action.
- (3) U.S. 6,774,926 (“Ellis”), entered into record by Examiner in June 11, 2008 Office Action.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

Not applicable.